THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 7123 of 2005

Dated: 21-08-2006

Between:

Smt. R.Sharada

..... PETITIONER

AND

The Executive Officer,
Secunderabad Cantonment Board,
Secunderabad.

.....RESPONDENTS

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION NO: 7123 of 2005

O R D E R:

This writ petition is filed seeking a declaration that the action of the respondent-Executive Officer, Secunderabad Cantonment Board in not effecting the required mutation of the names of the petitioner and his family members in the property register is arbitrary and illegal.

It is stated that the petitioner and his family members are the successors in interest of the property held by late R.Venkaiah and that the property bearing Dr.No.28 was purchased by their family under a registered sale deed dated 03-09-1912. It is alleged that though an application was made by the petitioner for mutation of her name in the records of the Cantonment Board as owner of the said property, the respondent failed to consider the same.

In response to the notice ordered on 29-04-2005, the respondent filed a counter affidavit stating that the property in question is classified as B-3 and was handed over to Central Government and the same is under the management of Defence Estate Officer. Though it is admitted that as per the entry in GLR, the holder of the occupancy right is shows as R.Venkaiah, it is stated that since the property is under the management of Defence Estate Officer, any application can be ordered only by the Defence Estate Officer and not by Cantonment Board.

Accordingly, without expressing any opinion as to the rights claimed by the petitioner, the writ petition is disposed of granting liberty to the petitioner to make an appropriate application in respect of the

property in question for effecting mutation before the Defence Estate Officer. If any such application is made, the same shall be considered and appropriate orders be passed in accordance with law within a period of eight weeks from the date of receipt of such application.

Accordingly, the writ petition is disposed of. No costs.

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G. ROHINI, J

Dated: 21-08-2006
KLP